

1 AN ACT regarding vehicles.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The State Finance Act is amended by adding
5 Section 5.596 as follows:

6 (30 ILCS 105/5.596 new)

7 Sec. 5.596. The Seat Belt Compliance Program Fund.

8 Section 10. The Illinois Vehicle Code is amended by
9 changing Section 12-603.1 as follows:

10 (625 ILCS 5/12-603.1) (from Ch. 95 1/2, par. 12-603.1)

11 Sec. 12-603.1. Driver and passenger required to use
12 safety belts, exceptions and penalty.

13 (a) Each driver and front seat passenger of a motor
14 vehicle operated on a street or highway in this State shall
15 wear a properly adjusted and fastened seat safety belt;
16 except that, a child less than 6 years of age shall be
17 protected as required pursuant to the Child Passenger
18 Protection Act. Each driver under the age of 18 years and
19 each of the driver's passengers under the age of 18 years of
20 a motor vehicle operated on a street or highway in this State
21 shall wear a properly adjusted and fastened seat safety belt.
22 Each driver of a motor vehicle transporting a child 6 years
23 of age or more, but less than 16 years of age, in the front
24 seat of the motor vehicle shall secure the child in a
25 properly adjusted and fastened seat safety belt.

26 (b) Paragraph (a) shall not apply to any of the
27 following:

28 1. A driver or passenger frequently stopping and
29 leaving the vehicle or delivering property from the

1 vehicle, if the speed of the vehicle between stops does
2 not exceed 15 miles per hour.

3 2. A driver or passenger possessing a written
4 statement from a physician that such person is unable,
5 for medical or physical reasons, to wear a seat safety
6 belt.

7 3. A driver or passenger possessing an official
8 certificate or license endorsement issued by the
9 appropriate agency in another state or country indicating
10 that the driver is unable for medical, physical, or other
11 valid reasons to wear a seat safety belt.

12 4. A driver operating a motor vehicle in reverse.

13 5. A motor vehicle with a model year prior to 1965.

14 6. A motorcycle or motor driven cycle.

15 7. A motorized pedalcycle.

16 8. A motor vehicle which is not required to be
17 equipped with seat safety belts under federal law.

18 9. A motor vehicle operated by a rural letter
19 carrier of the United States postal service while
20 performing duties as a rural letter carrier.

21 (c) Failure to wear a seat safety belt in violation of
22 this Section shall not be considered evidence of negligence,
23 shall not limit the liability of an insurer, and shall not
24 diminish any recovery for damages arising out of the
25 ownership, maintenance, or operation of a motor vehicle.

26 (d) A violation of this Section shall be a petty offense
27 and subject to a fine not to exceed \$25. In addition to the
28 fine and any other financial assessments or penalties, a \$5
29 surcharge shall be imposed for a violation of this Section.
30 The \$5 surcharge shall be collected by the circuit clerk and
31 disbursed in the manner provided in Section 5-9-1.12 of the
32 Unified Code of Corrections.

33 (e) No motor vehicle, or driver or passenger of such
34 vehicle, shall be stopped or searched by any law enforcement

1 officer solely on the basis of a violation or suspected
2 violation of this Section.

3 (Source: P.A. 90-369, eff. 1-1-98.)

4 Section 15. The Clerks of Courts Act is amended by
5 changing Section 27.5 as follows:

6 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

7 Sec. 27.5. (a) All fees, fines, costs, additional
8 penalties, bail balances assessed or forfeited, and any other
9 amount paid by a person to the circuit clerk that equals an
10 amount less than \$55, except the \$5 surcharge on the fine
11 imposed for a violation of Section 12-603.1 of the Illinois
12 Vehicle Code or a similar provision of a local ordinance and
13 except restitution under Section 5-5-6 of the Unified Code of
14 Corrections, reimbursement for the costs of an emergency
15 response as provided under Section 5-5-3 of the Unified Code
16 of Corrections, any fees collected for attending a traffic
17 safety program under paragraph (c) of Supreme Court Rule 529,
18 any fee collected on behalf of a State's Attorney under
19 Section 4-2002 of the Counties Code or a sheriff under
20 Section 4-5001 of the Counties Code, or any cost imposed
21 under Section 124A-5 of the Code of Criminal Procedure of
22 1963, for convictions, orders of supervision, or any other
23 disposition for a violation of Chapters 3, 4, 6, 11, and 12
24 of the Illinois Vehicle Code, or a similar provision of a
25 local ordinance, and any violation of the Child Passenger
26 Protection Act, or a similar provision of a local ordinance,
27 and except as provided in subsection (b) shall be disbursed
28 within 60 days after receipt by the circuit clerk as follows:
29 47% shall be disbursed to the entity authorized by law to
30 receive the fine imposed in the case; 12% shall be disbursed
31 to the State Treasurer; and 41% shall be disbursed to the
32 county's general corporate fund. Of the 12% disbursed to the

1 State Treasurer, 1/6 shall be deposited by the State
2 Treasurer into the Violent Crime Victims Assistance Fund, 1/2
3 shall be deposited into the Traffic and Criminal Conviction
4 Surcharge Fund, and 1/3 shall be deposited into the Drivers
5 Education Fund. For fiscal years 1992 and 1993, amounts
6 deposited into the Violent Crime Victims Assistance Fund, the
7 Traffic and Criminal Conviction Surcharge Fund, or the
8 Drivers Education Fund shall not exceed 110% of the amounts
9 deposited into those funds in fiscal year 1991. Any amount
10 that exceeds the 110% limit shall be distributed as follows:
11 50% shall be disbursed to the county's general corporate fund
12 and 50% shall be disbursed to the entity authorized by law to
13 receive the fine imposed in the case. Not later than March 1
14 of each year the circuit clerk shall submit a report of the
15 amount of funds remitted to the State Treasurer under this
16 Section during the preceding year based upon independent
17 verification of fines and fees. All counties shall be
18 subject to this Section, except that counties with a
19 population under 2,000,000 may, by ordinance, elect not to be
20 subject to this Section. For offenses subject to this
21 Section, judges shall impose one total sum of money payable
22 for violations. The circuit clerk may add on no additional
23 amounts except for amounts that are required by Sections
24 27.3a and 27.3c of this Act, unless those amounts are
25 specifically waived by the judge. With respect to money
26 collected by the circuit clerk as a result of forfeiture of
27 bail, ex parte judgment or guilty plea pursuant to Supreme
28 Court Rule 529, the circuit clerk shall first deduct and pay
29 amounts required by Sections 27.3a and 27.3c of this Act.
30 This Section is a denial and limitation of home rule powers
31 and functions under subsection (h) of Section 6 of Article
32 VII of the Illinois Constitution.

33 (b) The following amounts must be remitted to the State
34 Treasurer for deposit into the Illinois Animal Abuse Fund:

1 (1) 50% of the amounts collected for felony
 2 offenses under Sections 3, 3.01, 3.02, 3.03, 4, 4.01,
 3 4.03, 4.04, 5, 5.01, 6, 7, 7.5, 7.15, and 16 of the
 4 Humane Care for Animals Act and Section 26-5 of the
 5 Criminal Code of 1961;

6 (2) 20% of the amounts collected for Class A and
 7 Class B misdemeanors under Sections 3, 3.01, 4, 4.01,
 8 4.03, 4.04, 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the
 9 Humane Care for Animals Act and Section 26-5 of the
 10 Criminal Code of 1961; and

11 (3) 50% of the amounts collected for Class C
 12 misdemeanors under Sections 4.01 and 7.1 of the Humane
 13 Care for Animals Act and Section 26-5 of the Criminal
 14 Code of 1961.

15 (Source: P.A. 92-454, eff. 1-1-02; 92-650, eff. 7-11-02.)

16 Section 20. The Unified Code of Corrections is amended
 17 by changing Section 5-9-1 and adding Section 5-9-1.12 as
 18 follows:

19 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)
 20 Sec. 5-9-1. Authorized fines.

21 (a) An offender may be sentenced to pay a fine which
 22 shall not exceed for each offense:

23 (1) for a felony, \$25,000 or the amount specified
 24 in the offense, whichever is greater, or where the
 25 offender is a corporation, \$50,000 or the amount
 26 specified in the offense, whichever is greater;

27 (2) for a Class A misdemeanor, \$2,500 or the amount
 28 specified in the offense, whichever is greater;

29 (3) for a Class B or Class C misdemeanor, \$1,500;

30 (4) for a petty offense, \$1,000 or the amount
 31 specified in the offense, whichever is less;

32 (5) for a business offense, the amount specified in

1 the statute defining that offense.

2 (b) A fine may be imposed in addition to a sentence of
3 conditional discharge, probation, periodic imprisonment, or
4 imprisonment.

5 (c) There shall be added to every fine imposed in
6 sentencing for a criminal or traffic offense, except an
7 offense relating to parking or registration, or offense by a
8 pedestrian, an additional penalty of \$5 for each \$40, or
9 fraction thereof, of fine imposed. The additional penalty of
10 \$5 for each \$40, or fraction thereof, of fine imposed, if not
11 otherwise assessed, shall also be added to every fine imposed
12 upon a plea of guilty, stipulation of facts or findings of
13 guilty, resulting in a judgment of conviction, or order of
14 supervision in criminal, traffic, local ordinance, county
15 ordinance, and conservation cases (except parking,
16 registration, or pedestrian violations), or upon a sentence
17 of probation without entry of judgment under Section 10 of
18 the Cannabis Control Act or Section 410 of the Controlled
19 Substances Act.

20 Such additional amounts shall be assessed by the court
21 imposing the fine and shall be collected by the Circuit Clerk
22 in addition to the fine and costs in the case. Each such
23 additional penalty shall be remitted by the Circuit Clerk
24 within one month after receipt to the State Treasurer. The
25 State Treasurer shall deposit \$1 for each \$40, or fraction
26 thereof, of fine imposed into the LEADS Maintenance Fund.
27 The remaining surcharge amount shall be deposited into the
28 Traffic and Criminal Conviction Surcharge Fund, unless the
29 fine, costs or additional amounts are subject to disbursement
30 by the circuit clerk under Section 27.5 of the Clerks of
31 Courts Act. Such additional penalty shall not be considered
32 a part of the fine for purposes of any reduction in the fine
33 for time served either before or after sentencing. Not later
34 than March 1 of each year the Circuit Clerk shall submit a

1 report of the amount of funds remitted to the State Treasurer
2 under this subsection (c) during the preceding calendar year.
3 Except as otherwise provided by Supreme Court Rules, if a
4 court in imposing a fine against an offender levies a gross
5 amount for fine, costs, fees and penalties, the amount of the
6 additional penalty provided for herein shall be computed on
7 the amount remaining after deducting from the gross amount
8 levied all fees of the Circuit Clerk, the State's Attorney
9 and the Sheriff. After deducting from the gross amount
10 levied the fees and additional penalty provided for herein,
11 less any other additional penalties provided by law, the
12 clerk shall remit the net balance remaining to the entity
13 authorized by law to receive the fine imposed in the case.
14 For purposes of this Section "fees of the Circuit Clerk"
15 shall include, if applicable, the fee provided for under
16 Section 27.3a of the Clerks of Courts Act and the fee, if
17 applicable, payable to the county in which the violation
18 occurred pursuant to Section 5-1101 of the Counties Code.

19 (c-5) In addition to the fines imposed by subsection
20 (c), any person convicted or receiving an order of
21 supervision for driving under the influence of alcohol or
22 drugs shall pay an additional \$100 fee to the clerk. This
23 additional fee, less 2 1/2% that shall be used to defray
24 administrative costs incurred by the clerk, shall be remitted
25 by the clerk to the Treasurer within 60 days after receipt
26 for deposit into the Trauma Center Fund. This additional fee
27 of \$100 shall not be considered a part of the fine for
28 purposes of any reduction in the fine for time served either
29 before or after sentencing. Not later than March 1 of each
30 year the Circuit Clerk shall submit a report of the amount of
31 funds remitted to the State Treasurer under this subsection
32 (c-5) during the preceding calendar year.

33 The Circuit Clerk may accept payment of fines and costs
34 by credit card from an offender who has been convicted of a

1 traffic offense, petty offense or misdemeanor and may charge
2 the service fee permitted where fines and costs are paid by
3 credit card provided for in Section 27.3b of the Clerks of
4 Courts Act.

5 (c-7) In addition to the fines imposed by subsection
6 (c), any person convicted or receiving an order of
7 supervision for driving under the influence of alcohol or
8 drugs shall pay an additional \$5 fee to the clerk. This
9 additional fee, less 2 1/2% that shall be used to defray
10 administrative costs incurred by the clerk, shall be remitted
11 by the clerk to the Treasurer within 60 days after receipt
12 for deposit into the Spinal Cord Injury Paralysis Cure
13 Research Trust Fund. This additional fee of \$5 shall not be
14 considered a part of the fine for purposes of any reduction
15 in the fine for time served either before or after
16 sentencing. Not later than March 1 of each year the Circuit
17 Clerk shall submit a report of the amount of funds remitted
18 to the State Treasurer under this subsection (c-7) during the
19 preceding calendar year.

20 (d) In determining the amount and method of payment of a
21 fine, except for those fines established for violations of
22 Chapter 15 of the Illinois Vehicle Code, the court shall
23 consider:

24 (1) the financial resources and future ability of
25 the offender to pay the fine; and

26 (2) whether the fine will prevent the offender from
27 making court ordered restitution or reparation to the
28 victim of the offense; and

29 (3) in a case where the accused is a dissolved
30 corporation and the court has appointed counsel to
31 represent the corporation, the costs incurred either by
32 the county or the State for such representation.

33 (e) The court may order the fine to be paid forthwith or
34 within a specified period of time or in installments.

1 (f) All fines, costs and additional amounts imposed
 2 under this Section for any violation of Chapters 3, 4, 6, and
 3 11 of the Illinois Vehicle Code, or a similar provision of a
 4 local ordinance, and any violation of the Child Passenger
 5 Protection Act, or a similar provision of a local ordinance,
 6 shall be collected and disbursed by the circuit clerk as
 7 provided under Section 27.5 of the Clerks of Courts Act.

8 (g) For a fine imposed for a violation of Section
 9 12-603.1 of the Illinois Vehicle Code or a similar provision
 10 of a local ordinance, the \$5 surcharge on that fine shall be
 11 collected and disbursed by the circuit clerk as provided in
 12 Section 5-9-1.12 of this Code.

13 (Source: P.A. 92-431, eff. 1-1-02.)

14 (730 ILCS 5/5-9-1.12 new)

15 Sec. 5-9-1.12. The Seat Belt Compliance Program Fund.

16 (a) The \$5 surcharge added to each fine imposed for a
 17 violation of Section 12-603.1 of the Illinois Vehicle Code or
 18 a similar provision of a local ordinance shall be remitted by
 19 the circuit clerk within one month after receipt to the State
 20 Treasurer for deposit into the Seat Belt Compliance Program
 21 Fund. The circuit clerk shall retain 10% of this amount to
 22 cover the costs incurred in administering and enforcing this
 23 Section. Not later than March 1 of each year, the circuit
 24 clerk shall submit to the State Comptroller a report of the
 25 amount of funds remitted by him or her to the State Treasurer
 26 under this Section during the preceding calendar year.

27 (b) There is created the Seat Belt Compliance Program
 28 Fund in the State treasury. Subject to appropriation, moneys
 29 deposited into the Fund under this Section must be used by
 30 the Department of State Police for the Seat Belt Compliance
 31 Program or by the Department of State Police for grants to
 32 other State, county, or municipal law enforcement agencies
 33 for seat belt compliance programs established to increase

1 seat safety belt compliance by high school students,
2 including but not limited to the Operation Cool Program.